

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Karlan, and Knox

From: Mark Krausse, Executive Director

Subject: Legislative Report

Date: April 29, 2004

May 28 is the last day for bills to be passed out of their house of origin. The Governor's May budget revision is expected on or about May 14th.

<i>Action Items</i>		Bills Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

AB 2818 Pacheco COLA Adjustments 4-26-04

As amended, this bill requires the Commission to adjust the disclosure and disqualification threshold of section 84308 to reflect changes in the Consumer Price Index since January 1, 1983, and to adjust it in the future in every odd-numbered year. **Chairman's Subcommittee on Legislation recommendation: Oppose. Staff seeks ratification of that position. In Assembly Appropriations.**

AB 3101 ER&CA Voluntary Expenditure Limits 4-27-04

Provides that a candidate may not change his or her acceptance or rejection of voluntary expenditure limits more than twice after the candidate's initial filing of a statement of intention to be a candidate. **Staff recommendation: Support. In Assembly Appropriations. Set for hearing May 5, 2004.**

SB 1351 Soto Local officials: Conflicts of interest 4-16-04

Prohibits former elected city and county officials who held a position with a local government agency from appearing before or communicating with that agency if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. **Chairman's Subcommittee on Legislation recommendation: Oppose. Staff seeks ratification of that position. In Senate Appropriations. Set for hearing May 10, 2004.**

SB 1449 Johnson Campaign Loans 4-16-04

Prohibits a candidate from loaning more than \$100,000 from any source, including bank loans, to his or her elective state office campaign. **Staff recommendation: Support. In Senate Appropriations. Set for hearing May 3, 2004.**

<i>Informational Items</i>		Newly Introduced Bill Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

SB 1902 Florez Nonprofit Corporations-Disclosure Requirements 4-13-04

This bill would require a nonprofit corporation that has an elected official as its president or on its governing board to disclose its finances to the FPPC by April 15 each year. **In Senate Elections.**

<i>Informational Items</i>		Bills Amending the PRA, Elections Code	
Bill No.	Author	Title	Introduced/Amended
AB 1784	Wolk	Lobbyists: conflicts with statewide officers	Amended 2-18-04
This bill prohibits a lobbyist from contacting an elected state officer, other than a legislator, with whom the lobbyist has or had a contractual or business relationship, for the purpose of influencing legislative or administrative action. The bill defines contractual and business relationships and requires lobbyists to notify the Secretary of State within 14 days of a contractual or business relationship with an elected state officer. AB 1784 also requires that candidates report a contract or agreement that includes a payment contingent upon the candidate's election to office. In Senate Elections. Set for hearing May 5, 2004.			
AB 1785	Frommer	Lobbyists: conflicts with legislators	Amended 2-18-04
This bill prohibits a lobbyist from contacting a legislator with whom the lobbyist has or had a contractual or business relationship, for the purpose of influencing legislative or administrative action. Requires lobbyists to notify the Secretary of State within 14 days of a contractual or business relationship with an elected state officer. In Senate Elections. Set for hearing May 5, 2004.			
AB 1980	Wolk	Ballot Measure Trustees: Prohibited expenditures	4-12-04
Limits contributions to a ballot measure committee controlled by a state candidate to \$21,200. Elections Code amendment provides that expenditures by a candidate-controlled ballot measure committee in support of the candidate controlling that committee, or in opposition to that candidate's opponent, are not within the lawful purposes of the trust. In Assembly Appropriations. Set for hearing May 5, 2004			
AB 2842	Leno	Contribution limits	4-14-04
Provides that bank loans are not exempt from the \$100,000 personal loan limit imposed on elective state office candidates by Proposition 34. In Assembly Appropriations. Set for hearing May 5, 2004.			
AB 2888	Strickland	Contribution limits ("spot" bill)	2-20-04
Placeholder measure that makes nonsubstantive changes to contribution limit provisions. In Assembly.			
AB 2931	Koretz	Mandatory Campaign Spending Limits ("spot" bill)	2-20-04
Placeholder measure that expresses the intent of the Legislature to enact legislation that would impose mandatory limits on campaign spending. In Assembly.			
AB 2936	Longville	Online and electronic disclosure ("spot" bill)	2-20-04
Placeholder measure that deletes obsolete reference in the PRA. In Senate Rules.			
AB 2949	Hancock	California Clean Money and Clean Elections Act	4-15-04
Repeals a provision prohibiting public officers from expending or accepting public funds for purposes of seeking elective office, and enacts the California Clean Money and Clean Elections Act of 2004, which would authorize eligible candidates, as defined, to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. Staff will provide an analysis if the bill is approved by the Assembly Appropriations committee. In Assembly Appropriations. Set for hearing May 5, 2004.			

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AB 3006 Haynes Campaign Contributions 2-20-04

Prohibits legislators and constitutional officers from accepting contributions during the period between the annual submission of the Governor's Budget and the enactment of the state budget. **In Assembly Elections.**

SB 1340 Perata Campaign Disclosure Amended 3-22-04

Commission-sponsored measure that would, in addition to other changes, require filing officers for independent expenditure committees to maintain paper independent expenditure reports under the name of the candidate or measure supported or opposed by the independent expenditure. The bill would require retention of campaign records for 5 years, require audits of electronic reports and statements, and create a 4-year statute of limitations for collection of fines. **In Senate Appropriations. Set for hearing May 3, 2004.**

SB 1353 Perata Political party committees 2-18-04

Commission-sponsored measure that would, in addition to other changes, revise the definition of state general purpose committees to include a political party committee. **In Senate Appropriations. Set for hearing May 3, 2004.**

SB 1458 Johnson Public moneys ("spot" bill) 2-19-04

Placeholder measure amending the section prohibiting public officers and candidates from expending or accepting public funds. **In Senate Elections. Set for Hearing May 5, 2004.**

SB 1653 Johnson Conflicts of interest ("spot" bill) 2-20-04

Placeholder measure amending conflict of interest provisions. **In Senate Elections. Set for hearing May 5, 2004.**

SB 1712 Alpert Online campaign disclosure 2-20-04

Requires the Secretary of State's office to review current filing and disclosure requirements of the Online Disclosure Act of 1997 and report to the Legislature, no later than June 1, 2005, its recommendations on revising requirements so as to promote greater reliance on electronic and online submissions. **In Senate Appropriations. Set for hearing May 3, 2004.**

SB 1730 Johnson Primary Elections 4-27-04

Changes the statewide direct primary election from being held on the first Tuesday in March in each even-numbered year, to being held on the last Tuesday in June of each year. **In Senate Appropriations. Set for hearing May 10, 2004.**

SB 1849 Karnette Election cycle 4-27-04

Drops the threshold for electronic filing of campaign reports from \$50,000 to \$5,000 in contributions or expenditures. Also requires lobbying firm and lobbyist employer reports that are currently filed quarterly to be filed monthly. **In Senate Appropriations. Set for hearing May 10, 2004.**

Informational Items — Two-year Bills Amending the PRA

Bill No.	Author	Title	Introduced/Amended
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AB 890 Wesson Last-term member fundraising**Amended 8/28/03**

Allows an elected state officer serving his or her last permitted term of office to accept contributions after the date of the election. See also SB 467 (Johnson) on this subject. **Urgency clause. In Senate Elections and Reapportionment. Set for hearing May 5, 2004. Commission Position: Oppose unless/support if amended.**

AB 1197 Wiggins School Officials: Conflicts of Interest**Amended 8/28/03**

Includes in the definition of “designated employee” any board member, chief business officer, superintendent, assistant superintendent, deputy superintendent, associate superintendent, chief personnel officer, and general counsel of a public school district or county office of education, and equivalent positions, and any individual having governance or management responsibility in a charter school. The bill would designate the county board of education as the code reviewing body for charter schools. **Reconsideration granted. To Senate Inactive File.**

SB 604 Perata Cumulative contributions**Amended 2/5/04**

Defines “cumulative contributions” to be those contributions received beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending within seven days of the time the advertisement is sent to the printer or broadcast station. Deletes references to telegrams and adds methods for filing, including facsimile transmission and guaranteed overnight delivery. Amended by the author at the request of plaintiffs in Levine v. FPPC to reform the slate mail disclosure statutes at issue in that case. **In Assembly. Urgency clause. Commission Position: Sponsor.**

SB 641 Brulte Campaign expenditures: telephone advocacy**Amended 7/1/03**

This bill would change the definition of “mass mailing” found in the Act from “mail” to a specific definition of what items delivered to a person constitute a mass mailing. It also adds language to the act prohibiting the expenditure by a candidate, committee or slate mail organization for anonymous telephone advocacy for a candidate, ballot measure, or referendum. The author accepted an amendment requested by the Commission to maintain a record of the call’s script or in the case of a prerecorded message, a taped copy. This would not apply to telephone calls made by the candidate, campaign manager, or volunteers. The author rejected a Commission sponsored amendment requiring disclosure at the beginning of the call, but took Commission language regarding retention of text or recording of content of message. **Urgency clause. In Assembly Elections. Hearing cancelled.**

SB 1072 Burton Political Reform Act: Late Contributions**Amended 6/9/03**

Adds contributions made to or received by a political party committee after the closing date of the last campaign statement required to be filed before an election to the definition of late contribution. **In Assembly. Failed passage, 46-1. Commission Position: Support.**

SCA 14 Vasconcellos Political Reform**Introduced 9-12-03**

This bill would establish the FPPC, California Economic Strategy Panel (CESP) and the California Redistricting Commission by constitutional provision. It would establish the Clean Campaign Fund, administered by the FPPC and providing public funds to candidates under certain conditions. It would

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require the FPPC to license and monitor campaign consultants. It would change voting options and primary election dates. It would increase the number of Senators and Assemblymembers and their terms of office. It would change the voting requirement for General Fund appropriations from a 2/3 vote to a majority vote. It would place additional responsibilities on the CESP. It would make the Legislative Counsel responsible for redistricting, revise redistricting standards and create the CRC for the purpose of advising the Legislative Counsel. **In Senate.**

Final Disposition Items – Bills No Longer Affecting the PRA

Bill No.	Author	Title	Introduced/Amended
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AB 2091	Longville	Revolving door ("spot" bill)
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4-12-04

Placeholder measure that deletes obsolete anti-revolving-door provisions. The bill now amends the Elections Code, and no longer affects the PRA.